

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON TRUST, N.A., solely in its capacity
as Trustee for the Benefit of the Registered Holders
of Wells Fargo Commercial Mortgage Trust
2015-C28, Commercial Mortgage Pass-Through
Certificates, Series 2015-C28, by and through its
Special Service, Midland Loan Services, a Division
of PNC Bank, N.A.,

Civil Action No.: 17-cv-7081

Plaintiff,

v.

1141 REALTY OWNER LLC, JAGDISH
VASWANI, ROBERT K.Y. CHAN, CITY OF
NEW YORK, and STATE OF NEW YORK,

Defendants.

**STIPULATED MOTION FOR SUBSTITUTION OF PARTY
UNDER FEDERAL RULE OF CIVIL PROCEDURE 25(C)**

In accordance with Rule 25(c) of the Federal Rules of Civil Procedure, plaintiff WILMINGTON TRUST, N.A., solely in its capacity as Trustee for the Benefit of the Registered Holders of Wells Fargo Commercial Mortgage Trust 2015-C28, Commercial Mortgage Pass-Through Certificates, Series 2015-C28 ("Wilmington"), by and through its Special Servicer, Midland Loan Services, a Division of PNC Bank, N.A., and defendants 1141 REALTY OWNER LLC ("Debtor"), JAGDISH VASWANI, and ROBERT K.Y. CHAN, each of the foregoing by and through the undersigned counsel, respectfully move this Court for an order substituting the named plaintiff in this matter.

1. Wilmington commenced a foreclosure action against Debtor in United States District Court for the Southern District of New York by filing a Verified Complaint on

September 18, 2017 (Civ. No. 17-7081) (the "Foreclosure Action"). At the time this suit was commenced, Wilmington had standing to commence the instant action pursuant to the Pooling and Servicing Agreement dated May 1, 2015.

2. On or about April 18, 2019, TCG Debt Acquisitions 2 LLC (hereinafter "TCG"), as successor to RMEZZ Flatiron, LLC, purchased the rights under the Loan Agreement from Wilmington, including the Loan Documents.

3. Rule 25(c) of the Federal Rules of Civil Procedure provides that "If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party."

4. By Wilmington's assignment of all rights in the Loan Documents to TCG, TCG acquired all of Wilmington's rights then being pursued in this action. Accordingly, the caption of this case should be amended, to reflect the substitution of TCG as plaintiff, as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TCG Debt Acquisitions 2 LLC,

Plaintiff,

v.

Civil Action No.: 17-cv-7081

1141 REALTY OWNER LLC, JAGDISH VASWANI,
ROBERT K.Y. CHAN, CITY OF NEW YORK, and STATE
OF NEW YORK,

Defendants.

5. Defendants City of New York and State of New York have not appeared in this action.

6. This Stipulation may be executed in separate counterparts. Electronic versions of signatures shall be valid and binding as if original signatures. Facsimile or PDF copies of signatures on this Agreement shall have the same force and effect as an original.

WHEREFORE, pursuant to the foregoing stipulation, the parties respectfully request that the Court grant an order substituting TCG Debt Acquisitions 2 LLC as plaintiff in place of Wilmington and so amending the plaintiff's name in the caption.

[SIGNATURE PAGE FOLLOWS]

Dated: April _____, 2020

SIDLEY AUSTIN LLP

By: _____

Michael G. Burke, Esq.

Attorneys for Plaintiff
287 Seventh Avenue
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Dated: April _____, 2020

DORF & NELSON LLP

By: _____

Jonathan B. Nelson
Jonathan B. Nelson, Esq.

Attorneys for Defendant Robert K.Y. Chan
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Dated: April _____, 2020

MERMEL ASSOCIATES PLLC

By: _____

Mark Mermel, Esq.

Attorneys for Defendant
1141 Realty Owner LLC
One Hollow Lane, Suite 303
Lake Success, New York 11042

Dated: April _____, 2020

By: _____

Defendant Jagdish Vaswani

SO ORDERED:

Hon. Lorna G. Schofield
United States District Court Judge
Southern District of New York

Dated: April ____, 2020

SIDLEY AUSTIN LLP

By: _____
Michael G. Burke, Esq.

Attorneys for Plaintiff
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Dated: April ____, 2020

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Dated: April ____, 2020

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By: _____
Mark Mermel, Esq.

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1141 Realty Owner LLC
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Dated: April ____, 2020

By: _____
Defendant Jagdish Vaswani

The parties' motion to substitute the plaintiff in this case (ECF No. 253) is GRANTED. The Clerk of Court is respectfully directed to close ECF No. 253 and update the case caption as reflected above.

SO ORDERED 7/31/2020

Hon. Sarah Cave
United States Magistrate Judge
Southern District of New York